United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ELKO DISTRICT OFFICE
3900 E. IDAHO STREET
P.O. BOX 831
ELKO, NEVADA 89801

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:

1120 (NV-010)

OCT 13 1994

Memorandum

To: All District Employees

From: District Manager, Elko

Subject: Speaker at All Employee Meeting, October 17, 1994

We will have a guest speaker at the All Employee Meeting this Monday, October 17, 1994. Ken Stowers from the State Office will be talking to us about State's rights and the constitutional issue of land ownership.

The attached information is intended as background material for this presentation. It would be helpful if you could read it before the meeting.

Jodney Hanes

Attachment: As stated

POSITION PAPER

FEDERAL OWNERSHIP AND MANAGEMENT OF THE PUBLIC LANDS

IN NEVADA

PREPARED BY KEN STOWERS
September 1994

CREATION OF THE PUBLIC DOMAIN

France, Spain, Holland, and Sweden had claimed land in North America based on the right of discovery and conquest. As England came late onto the scene, it repudiated the notion that prior discovery established the full right of possession. England took the stand that "occupancy and use" was the final test of ownership. This doctrine of "occupancy and use" formed the basis of original land grants in the colonies and has continued in the United States to the present.

All title to land in England originated with the Crown which could grant lands as it saw fit under any conditions which met its needs and desires and those of the grantee. Due to wars with France and Spain, the English sovereign was financially unable to bear the high cost of establishing colonies in North America to implement the doctrine of "occupancy and use." Therefore, if colonization of the new lands were to occur, it had to be financed with private capital.

To solve the financing problem of colonization, groups of wealthy people formed companies, bought stock in the companies, and sent poor tenants, unemployed, paupers, and servants to occupy and use the land to be granted by the Crown. In return, the Crown granted the company a charter for title to lands in North America. Title to the land could then be granted or conveyed to third parties. Several charters were granted which overlapped each other, often with ill-defined boundaries. This situation created many squabbles between the colonies involving land claims.

The Dutch settled on and claimed lands along the Delaware and Hudson Rivers and on Manhattan Island. These claims were based on the explorations of Henry Hudson and the right of discovery. Sweden established settlements in the Delaware Bay area. The Dutch and the Swedes granted lands to their citizens. The English later claimed these lands and forced out the Dutch and Swedish governments. The English honored those sovereign grants made to individuals by Holland and Sweden. This policy of honoring bona fide land titles issued to individuals by previous sovereign governments was to continue throughout all of the later land acquisitions made by the United States.

Immediately following the Declaration of Independence, the newly declared States confiscated the private lands of those people who had remained loyal to the Crown, and declared such lands to be State property. Each State also declared all "Crown Lands" and the unpatented proprietors' (recipient of Crown grants to establish a colony) land as State property. In this manner, the new States became owners of the vacant and unappropriated lands within their boundaries. These confiscations included the "Crown Lands" in the western territories to which the States laid claim through the charter process to establish colonies. The States later sold much of the lands within their borders to pay debts and to raise revenue. Much of that land was also used by the States to redeem military bounty warrants as a reward to soldiers who had fought in the Revolutionary War.

When the Original Thirteen States joined together to form a Federal Union, there was no land available for Federal facilities or purposes, unless it were to be purchased from the owner holding title. The overlapping land claims created by the many conflicting grants made to the various colonies caused a great deal of tension among the States. Before all thirteen newly declared states would agree to sign the Articles of Confederation, the six States with defined boundaries forced the seven States with western land claims to agree to cede those western lands to the new Federal government. Georgia was the last state to cede its western land claims. Those western land cessions created the beginning of the "public domain." The "public domain" was, and continues to be, the "landed estate" of the American people. The Congress of the Confederation then had land but no money. The immediate question was how to sell the land to raise revenue to pay off the massive debts incurred during the Revolutionary War.

As a point of interest, the Virginia Charter extended "west and northwest to the south sea" (Pacific Ocean). That strip of land extended across the bulk of present day Nevada and comprised the western lands ceded by Virginia to the new Federal government.

At the close of the Revolutionary War, the treaty to end the conflict was negotiated by the United States, England, France, and Spain. England was inclined to favor the United States at the expense of French and Spanish territorial land claims. The final treaty was signed on September 3, 1783. It gave the United States, and not individual States, jurisdiction over all the land east of the Mississippi River, south of the Great Lakes, and north of Spanish Florida. This treaty is still in effect today concerning such things as rights to the continental shelf, including fishing rights.

To deal with the new public domain lands held by the Federal government north and west of the Ohio River, Congress passed the Land Ordinance of 1785 (An Ordinance for Ascertaining the Mode of

Disposing of Lands in the Northwest Territory) on May 20, 1785. It required the survey and division of the newly established public domain into six-mile square townships composed of thirty-six one square mile sections. The lands so surveyed were to be offered for sale at public auction for a minimum price of one dollar per acre. And, section 16 in each township was reserved for public educational purposes.

Congress then passed the Northwest Ordinance on July 13, 1787. The Northwest Ordinance addressed the creation of new territories and States as follows:

ARTICLE 4: States to be formed must become a part of the United States, settlers to pay their share of the Federal debt, no property taxes on Federal land, nonresidents cannot be taxed higher than residents, navigable streams are public highways and forever free to everyone without taxes or duties for using them.

ARTICLE 5: Northwest Territory to be divided into three to five new States with Congress to fix the boundaries. When a territory contained 50,000 free inhabitants, it could be admitted to the Union as a new State.

The process for creating new States set forth in the Northwest Ordinance was continued as westward expansion of the United States continued. The Northwest Ordinance continues to govern the mechanics of admitting new states into the Union.

The Revolutionary War had drawn the new States into a closer common bond and made possible the cession of their western land claims to the Federal government. The Congress took the place of the Crown and immediately exercised the power to dispose of the new Public Domain for the common good of all of the citizens.

As distinguished from most of the original Thirteen States (which ceded their western lands to the new Federal government), the Federal government took nothing away from any States when it acquired vast tracts of land in the course of westward expansion. The simple reason for this is that the original Thirteen States had ceded title to their western land claims to the Federal government and there were no other pre-existing states in the land masses being acquired. Rather, the Federal government acquired title to the new territories from other sovereign governments. As a general policy, prior existing individual land titles were honored where they had been recognized by a prior sovereign.

The public domain rapidly grew beyond the bounds of the treaty to end the Revolutionary War. In 1803, President Thomas Jefferson

purchased the Louisiana Territory from France. This area included the immense region drained by the western tributaries of the Mississippi River. The Red River Valley of the North came to the United States by the Convention of 1818. This document established the boundary with British Canada between Lake Superior and the Rocky Mountains as the 49th parallel of latitude. By treaty with Spain in 1819, Florida was acquired and the western boundary of the Louisiana Purchase was redrawn. In 1846, Britain and the United States ended their joint occupation of Oregon by dividing the region along the 49th parallel of latitude.

When the Republic of Texas joined the Union in 1845, it retained the title to its vacant and unappropriated lands. The Federal government purchased the northwest portion of Texas in 1850 and added the land to the public domain. Concerning title to vacant and unappropriated land within its borders, the Republic of Texas was in a similar situation as the original Thirteen States. However, for Texas to be admitted into the Union on an equal footing with the rest of the States, it gave up rights to the seabed adjacent to its coast when it entered as a new State, even though as a Republic it had previously exercised sovereignty over the three-mile belt of seabed.

The United States acquired title to the land mass of Nevada, along with the Southwestern United States, from Mexico pursuant to the Treaty of February 2, 1848, (9 Stat. 922).

Article V of that treaty defined the new border as follows:

> The boundary line between the two republics shall commmence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, ...; from thence up the middle of that river, ..., to the point where it strikes the southern boundary of New Mexico; thence, westwardly, along the whole southern boundary of New Mexico ... to its western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the River Gila; ... thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean.

Article XII of the treaty states:

> In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth article of the present treaty, the government of the United States engages to pay to that of the Mexican republic the sum of fifteen millions of dollars.

In 1853, James Gadsden negotiated the purchase of 19 million acres along the Mexican border for a southern transcontinental railroad route.

The acquisition of the Public Domain by the Federal government was essentially complete in the continental United States.

In the expansion of the United States after the Original Thirteen States, the newly acquired lands generally went through three phases:

1. Undifferentiated Federal lands subject to the presence of existing land titles which had been recognized by a prior sovereign;

2. Creation of new territories, with a territorial government, which were based on the Northwest Ordinance of 1787.

3. Then came creation of new States, which was also based on the Northwest Ordinance of 1787, and which were accepted into the Union by individual enabling acts passed by Congress.

The United States was not obliged to divest itself of the public domain when it accepted into the Union the new states created out of territories acquired from foreign governments.

The Territory of Nevada was created by the Act of Congress of March 2, 1861, 12 Stat. 209. Section 6 limited the legislative power of the Territory:

> ...no law shall be passed interferring with the primary disposal of the soil; no tax shall be imposed upon the property of the United States....

Section 14 provided for school lands:

> ...sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same is hereby, reserved for the purpose of being applied to schools in the States hereafter to be erected out of the same.

Nevada became a State pursuant to the Act of March 21, 1864, 13 Stat. 30. Section 4 provided:

> That the people inhabiting said territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States; ...; and that no taxes shall be imposed by said state on lands or property therein

belonging to, or which may hereafter be purchased by, the United States.

Sections 7, 8, and 9 provided for land grants to the State. Section 10 allocated 5 percent of the proceeds of public land sales to the State.

Nevada's Constitutional convention accepted Congress' invitation to become a state later in 1864. It accepted the invitation under the terms established by Congress. The Ordinance of the Constitution of the State of Nevada states in relevant part:

> That the people inhabiting said territory do agree and declare, that they forever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States; ....

Article 1, § 2, Sec: 2 states that:

> ... But the Paramount Allegiance of every citizen is due to the Federal Government in the exercise of all its Constitutional powers as the same have been or may be defined by the Supreme Court of the United States; ....

Article II, § 3, Sec: 3 addresses Federal lands again as follows:

> All lands granted by Congress to this state for educational purposes, ... , together with that percentage of the proceeds from the sale of federal lands which has been granted by Congress to this state ... are hereby pledged for educational purposes....

However, there has been a clear distinction between the title to the dry upland and title to the beds of navigable streams. Article 4 of the Northwest Ordinance of July 13, 1787, declared that navigable streams are public highways and forever free to everyone without taxes or duties for using them.

In 1845, the Supreme Court held that a new State's title to lands underlying navigable waters within its boundaries is beyond the scope of Congress' authority to contravene. The Court held that the original States had reserved to themselves the ownership of lands lying below the mean high water mark of navigable waters and the soils under them, primarily because such waterways were the public highways of the day. Accordingly, under the "equal footing" principle, the title to the soils underlying navigable waters passes to a new State upon admission.

This rule regarding State title to the streambeds of navigable waters has been followed in an unbroken line of cases which make it clear that the title enjoyed by the State is absolute as far as any Federal principle of land titles is concerned.

The Supreme Court later ruled that dominion over the beds of navigable waters is "so identified with the sovereign power of government that a presumption against their separation from sovereignty must be indulged," so that they fall within the "sovereignty" limitation of the equal footing doctrine. The "equal footing" doctrine was applied in reverse when the Supreme Court held that the Republic of Texas gave up its right to the seabed adjacent to its coast when it entered the Union in 1845, even though as a Republic it had previously exercised sovereignty over it.

Further, the terms for the admission of Texas into the Union were different than for the admission of other new States. During its Independence, Texas had granted away the title to some 30 million acres of land but still had a huge debt, fueled by many questionable tricks of finance to which the Texans had been compelled to resort. The United States left the remaining unappropriated lands in the hands of the new State to avoid investigating prior practices and to avoid assuming financing of the Texas debt. After annexation, Texas sold 79 million acres of its western lands (now part of the States of New Mexico, Oklahoma, Wyoming, Colorado, and Kansas) to the Federal government. This was the only Texas land initially to become part of the public domain.

AUTHORITY FOR MANAGEMENT OF THE PUBLIC LANDS, INCLUDING AUTHORITY FOR LAW ENFORCEMENT

The authority vested in the Federal government to manage the Public Lands has its origin in the Land Ordinance of 1785 and the Northwest Ordinance of 1787 and is carried through by the "Property Clause" of the United States Constitution, Article IV, § 3, clause 2, which provides that:

> The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.

The Property Clause operates in tandem with the Supremacy Clause of the United States Constitution, Article VI, Clause 2. The Supremacy Clause makes Federal law paramount in those areas where the Constitution gives the Federal government authority to operate. This coincides with the Property Clause to confer on Federal land management agencies, acting pursuant to Federal law, a firm authority for the management and disposal of public lands.

The U.S. Supreme Court has unanimously held that the power given to Congress by the "Property Clause" is, in its words, "without limitations." This is in accord with a long, unbroken line of U.S. Supreme Court decisions. Further, the Court has recognized Congress' power over the "care and disposition of the public lands or reservations therein...."

The U.S. Supreme Court, in a long line of cases, has always acknowledged that Federal land ownership survives statehood. A long line of Nevada Supreme Court decisions are in harmony with the U.S. Supreme Court decisions.

Similarly, by enacting the multitude of public land laws over the years, Congress has declared that the Federal government retains title to public lands. See, for example, the Federal Land Policy and Management Act, 43 U.S.C. 1701; the Public Rangeland Improvement Act, 43 U.S.C. 1901; and, the Mining Law of 1872, 17 Stat. 91, as amended.

The Payment in Lieu of Taxes Act, 31 U.S.C. 1601, is a particularly interesting example of Congress taking care to ensure that states with Federal lands within their borders do not lose revenues because of that Federal ownership and management. Other statutes also provide a sharing of revenues with states based upon uses of the retained public lands. Those statutes include:

The Reclamation Act of 1902, 43 U.S.C.A. 371 et seq.
The Mineral Leasing Act of 1920, 30 U.S.C.A. 181 et seq., as amended
The Federal Power Act of 1920, 16 U.S.C.A. 791a - 825r,
The Taylor Grazing Act of 1934, 43 U.S.C.A. 1301 et seq.
The Submerged Lands Act of 1953, 43 U.S.C.A. 1301 et seq.
The Geothermal Steam Act of 1970, 84 Stat. 1566

Two of the most important Federal statutes are the Taylor Grazing Act of 1934 and the Federal Land Policy and Management Act of 1976.

Homesteading on the public domain dwindled after World War I because very little agricultural land was left. However, the remaining land had significant value for grazing of livestock. The grazing users did not have a legal right to make use of the public lands, but they were dependent upon them. So the land was used for all that could be gotten from it. As the Forest Service's Chief of Grazing said in 1926, "It was a clear case of first come, first served and the devil take the hindmost." Never assured use of the same range year after year, ranchers crowded in with overgrazing of the public lands and, by doing so, were destroying the foundation upon which their ranches were built.

As early as the 1870s, there were more livestock than the range, or the commons, open to the unregulated use of all comers, could support for the long term. At first, cattle ranchers tried to control the situation with livestock associations and organized roundups. However, the coming of sheep ranchers and farmers complicated matters by increasing competition for the use of the same land.

By 1900, some ranchers were advocating a grazing lease system to allocate use of the public lands. In 1905, Theodore Roosevelt's Public Lands Commission seconded that recommendation. Opposition to the proposal was strong and Roosevelt's effort to enact such a law in 1907 was rejected by Congress. In 1916, Congress decided that the answer to the public lands grazing problem was not leasing but larger homesteads. The Stockraising Homestead Act of 1916 allowed individuals to enter 640 acres of public land which was chiefly valuable for grazing. It was soon recognized that 640 acres could not support enough livestock for a family ranch. Another grazing policy was needed.

Grazing policy debate in the 1920s focused on a leasing system for the public domain. In 1928, Congress established the Mizpah-Pumpkin Creek Grazing District in southeastern Montana. The reserve was made up of 200,000 acres of public, State, and private land. Congress provided for leasing of public lands to an association of ranchers who proposed to block ownerships and ensure conservative grazing practices. Congress hoped that this experiment would indicate the policy direction that it should pursue. The Mizpah-Pumpkin Creek experiment was so successful that ranchers from across the West petitioned Congress and the Department of the Interior to create similar grazing districts in their areas.

Finally in 1934, the Taylor Grazing Act (48 Stat. 1269, as amended, 43 U.S.C. 315a) was signed into law. This act sought "to stop injury to the public grazing lands by preventing overgrazing and soil deterioration; to provide for their orderly use, improvement, and development; to stabilize the livestock industry dependent upon the public range" through lease of the public domain to stockraisers. After signing the law, President Franklin D. Roosevelt withdrew from nonmineral entry all vacant, unreserved, and unappropriated public lands in the West so that grazing districts could be established and the remaining public lands could be classified as to their best use. Priority for granting a grazing permit, or lease, was determined by ownership of private land, or water, and who had a history of range use. Passage of the Taylor Grazing Act was the beginning of a policy of conservation and management of the public lands and minerals instead of disposal of them.

The Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2743, as amended, addresses management of the public lands:

> Section 102. (a) The Congress declares that it is the policy of the United States that --
>
> (1) the public lands be retained in Federal ownership, unless as a result of the land use planning procedure provided for in this Act, it is determined that disposal of a particular parcel will serve the national interest;
>
> Section 302. (a) The Secretary (of the Interior) shall manage the public lands under principles of multiple use and sustained yield, ...
>
> Section 303. (a) The Secretary shall issue regulations necessary to implement the provisions of this Act with respect to the management, use, and protection of the public lands, including the property located thereon.
>
> Section 303. (c)(2) The Secretary may authorize Federal personnel or appropriate local officials to carry out his law enforcement responsibilities with respect to the public lands and their resources.

Some of the other statutes which directed management of the public land and protection of its resources, including law enforcement actions, are:

The Archaeological Resources Protection Act of 1979, 93 Stat. 721, 16 U.S.C. 470 aa, et seq, as amended.
The Antiquities Act of 1906, 34 Stat. 225, 16 U.S.C. 433.
The National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470, as amended.
The Native American Graves Protection and Repatriation Act of 1990, 104 Stat. 3048.
The Public Rangeland Improvement Act, 92 Stat. 1803, 43 U.S.C. 1901.
The Wild and Free Roaming Horse and Burro Act of 1971, 85 Stat. 649, 16 U.S.C. 1331.
The Land and Water Conservation Fund Act of 1965, 78 Stat. 897, 16 U.S.C. 4601-6a, as amended.
The Sikes Act, 88 Stat. 1369, 16 U.S.C. 670j.
The National Trails System Act, 82 Stat. 919, 16 U.S.C. 1241 - 1246.
The Wilderness Act of 1964, 78 Stat. 890, 16 U.S.C. 1131.
The Mining Law of 1872, 17 Stat. 91, as amended.
The Payment in Lieu of Taxes Act, 31 U.S.C. 1601.
The Unlawful Inclosures of Public Lands Act, 23 Stat. 321, 43 U.S.C. 1061 - 1064.

The Act of June 3, 1878, 20 Stat. 88, as amended, 16 U.S.C. 604 - 606.

18 U.S.C. 47, 111, 641, 1001, 1361, 1510, 1851 - 1861, as they relate to the use, management, and development of the public lands or the protection of any employee of the BLM in the performance of his/her official duties.

In addition, there are numerous other laws which regulate entry on to the public domain to gain use of, or title, to land.

These court decisions and statutes, and the reliance placed upon them by the Federal government, the State governments, and perhaps most importantly, the millions of people who depend for their livelihood on federally authorized activities on the public land, are well grounded on the U.S. Constitution.

BLM does in fact have the legal authority for its unimpeded management of the public lands.

OPPORTUNITIES FOR THE PUBLIC AND THE COUNTIES TO PARTICIPATE IN THE PUBLIC LAND MANAGEMENT PROCESS

Section 552 of the Administrative Procedures Act of September 6, 1966, 80 Stat. 383, as amended by the Act of June 5, 1967, 81 Stat. 54, requires each agency to make available for public inspection and copying --

> (A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
> (B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register; and
> (C) administrative staff manuals and instructions to staff that affect a member of the public;

The Public Rangelands Improvement Act of 1978, 92 Stat. 1803, mandates consultation and cooperation in managing rangelands:

> Sec. 4. (a) requires that rangeland inventories shall be conducted and maintained by the Secretary on a regular basis and that the results shall be available to the public.
>
> Sec. 5. (c). requires that funds appropriated for range improvements shall be distributed as the Secretary deems advisable after careful and considered consultation and coordination, including public hearings and meetings where appropriate, with district grazing advisory boards, advisory councils, range user representatives, and other interested parties.

> Sec. 8. (d) If the Secretary concerned elects to develop an allotment management plan for a given area, he shall do so in careful and considered consultation, cooperation and coordination with the lessees, permittees, and landowners involved, the district grazing advisory boards ..., and any State or States having lands within the area to be covered by such plan, ...

Section 102 of the National Environmental Policy Act of 1969 (NEPA), 83 Stat. 853, provides that:

> Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by Section 552 of title 5 United States Code, and shall accompany the proposal through the existing agency review process; ...

Regulations to implement NEPA are contained in 40 CFR 1500 - 1508.

Subpart 1501.7 of the regulations requires:

> Publication of a Notice of Intent in the Federal Register and requires the lead agency to invite the participation of affected Federal, State, and local agencies, any affected Indian tribe, the proponent of the action, and any other interested persons, ...

Subpart 1506.6 of the regulations requires agencies to:

> (a) Make diligent efforts to involve the public in preparing and implementing their NEPA procedures.
> (b) Provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected.

Notification may require Federal Register notices, direct mailings, publication in local newspapers, notice through other local media, posting of notice on and off site, and holding of public hearings or public meetings, etc.

43 CFR 9.7 requires the Secretary to use the State process to determine the views of State and local elected officials.

516 Departmental Manual 1.2 specifies that it is the policy of the Department to consult, coordinate, and cooperate with Federal agencies, and State, local, and tribal governments, and the public to the fullest extent possible in the development and implementation of the Department's programs.

BLM Handbook 1791-1 requires the manager responsible for authorizing an action to determine if an environmental analysis should be made available for public review before making a final determination on the action. A public review is to allow the public and affected local governments an opportunity to comment on the determination that there are no significant impacts associated with the proposed action which would require preparation of an environmental impact statement. If a public review is determined not to be necessary, the affected and interested public must be notified of the availability of the environmental assessment and finding of no significant impact. All individuals or organizations that have requested notification on an individual action must be notified by mail. Maintenance of a register of all environmental assessments and findings of no significant impacts in the State or District Office public room may be sufficient notification to the public at large.

Solicitation of public participation is mandatory in the FLPMA planning process. Section 202(f) states:

> The Secretary shall allow an opportunity for public involvement and by regulation shall establish procedures, including public hearings where appropriate, to give Federal, State, and local governments and the public, adequate notice and opportunity to comment upon and participate in the formulation of plans and programs relating to the management of the public lands.

This direction is carried through in the BLM's planning regulations as contained in 43 CFR 1610.2, which require solicitation of public participation in the BLM planning process. The solicitation of public participation is carried forward in BLM Manual 1601.23(A). Manual 1614 provides policy and general directions for implementing the public participation provisions of the BLM Planning System.

Regular case processing notifications in the form of classification decisions, notices of realty action, and notices to approve a land exchange may also be distributed to the public and affected local governments. Our standard distribution list consists of Congressional delegations; County agencies including Comprehensive Planning, Board of County Commissioners, Public Works, and County Parks and Recreation; a local newspaper; City agencies including Board of City Council, Mayor, Planning and Zoning; Nevada State Clearing House; District Advisory Council; affected interest groups; U.S. Post Office for posting on its

Public Bulletin Board; the casefile; the proponent; District bulletin board in the public room; State Office bulletin board in the Public Room; any other parties who have expressed an interest in the proposal; adjacent landowners; and other authorized users of the land, which may include right-of-way holders and grazing permittees.

Our district personnel frequently correspond with and meet with city and county officials, members of the public, and special interest groups to address activities to be undertaken on public lands. Coordination with and solicitation of comments from the public and local governments are intergral parts of our standard operating procedures for management of the public lands.

BLM is also required to consider local land use planning in its land use decision making process. If a conflict occurs between the local plan and the BLM plan, we must comply with Federal laws and regulations.

Beginning in 1980, BLM entered into a memorandum of understanding with Humboldt County Commission, Pershing County Commission, Washoe County Commission, Carson City Board of Supervisors, Lyon County Commission, Churchill County Commission, Eureka County Commission, Lander County Commission, White Pine County Commission, Lincoln County Commission, Nye County Commission, Clark County Commission, Esmeralda County Commission, Mineral County Commission, and Douglas County Commission, to establish procedures for coordinating planning and program operations at the local level.

In 1984, BLM entered into a memorandum of understanding with the Governor of Nevada to provide a system for the State of Nevada and the BLM to identify, communicate, and coordinate actions upon issues of common concern in the management of lands and resources.

In 1980, BLM entered into a memorandum of understanding to define the organizational structure and establish guidelines for coordinated resource management and planning at the state and local level with Nevada Department of Conservation and Natural Resources, Nevada Department of Agriculture, Nevada State Conservation Commission, Nevada Department of Wildlife, University of Nevada - College of Agriculture, U.S. Forest Service, U.S. Fish & Wildlife Service, U.S. Soil Conservation Service, and U.S. Agricultural Stabilization and Conservation Service.